

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.855 OF 2006

Konkanratna Holidays Resorts Ltd... Petitioner
V/s.
Bhusan Gagrani & Others. ... Respondent

Mr. V.B. Naik with Mr. Bharat Joshi for the
petitioner.

Mr. D.A. Nalawade for respondent Nos. 1 & 2.
Mr. S.P. Bharati for respondent No. 3.

CORAM : F.I. REBELLO,
 ANOO V. MOHTA, JJ.
DATED : 10th April, 2006

P.C.

. The petition was filed on 02.03.2006. A contract with respondent No.4 was entered into on 17.02.2006. It is case of the petitioner that they were the highest bidders. In spite of that respondent No. 2 arbitrarily awarded the contract in favour of respondent No.4. The learned Counsel also points out referring to the affidavit of Hemant V. Phadake that said affiant has taken inconsistent stand in the matter of negotiation with respondent No. 4. This by itself indicates arbitrariness on the part of respondent No. 2 in awarding the contract in favour of respondent No.4. Various other contentions have also been urged before us.

2. In the reply filed on behalf of Corporation, it has been pointed out by respondent No. 4 that earlier in respect of the property of respondent No. 4 an agreement had been entered into with Mrs. Sheela Samant, who is a Director of the petitioner. Attention has been invited to the Show Cause Notice issued by the Collector to the proprietary concern. It has been pointed out that the Corporation decided not to deal with the petitioner nor awarded contract in favour of petitioner on account of past bitter experience.

3. Considering the above, in our opinion as the contract has already been awarded, it would not be a fit case for this Court to exercise its extra-ordinary jurisdiction. It is open for the petitioner, if so advised to seek remedy of law for damages or any other reliefs before proper Civil Court.

4. With the above directions petition stands disposed with no order as to costs.

[F.I. REBELLO, J.]

[ANOO P V. MOHTA, J.]